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Crl.O.P.No.23491 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2024

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THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23491 of 2022

and

Crl.M.P.No.14998 of 2022

Rajeshwari

... Petitioner

Vs.

1.The State by
The Inspector of Police
Kunnathur Police Station
Tiruppur District
Crime No.82 of 2022

2.Kulanthaivelu

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to call for records pertaining to the charge sheet in C.C.No.51 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Uthukuli, Tiruppur District and quash the same.

For Petitioner : Mr.C.Pavendhan

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl. Side) - R1

Mr.B.Abinayam - R2



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ORDER

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The petitioner has filed this Criminal Original petition to quash the proceedings in C.C.No.51 of 2022 on the file of the District Munsif cum Judicial Magistrate Court, Uthukuli, Tiruppur District, in which cognizance was taken for the offences punishable under Sections 448, 294(b), 323, 506(i) of IPC.

2. The case of the prosecution is that on 20.04.2022 at about 6:30 p.m., when the de facto complainant appeared before the respondent police, the petitioner trespassed into the de facto complainant's house, broke open the lock of the de facto complainant's house and upstairs room, assaulted the de facto complainant and his son, and used filthy language against the de facto complainant. She also threatened the de facto complainant on 21.02.2022 and, with the help of one Padmanaban, smuggled to the de facto complainant. Thereafter, on 20.04.2022 at about 8:00 p.m., the de facto complainant called over the phone, after which the first respondent came to the house of the de facto complainant, and she refused to speak about her taking Rs. 20,000/- from the house of the de facto complainant. At about 10:00 p.m., she went to the house of Padmanaban. The de facto complainant



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videographed all the illegal activities of the petitioner and submitted his complaint, CFS No.13189665. The petitioner is working as a PG Assistant at Vaelliraveli Government Hr. Sec. School, and the case is pending against him.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and has been falsely implicated in this case. He also submitted that a counter case was given against the de facto complainant in Crime No.83 of 2022 on the file of the 1st respondent police. He further submitted that the petitioner and the de facto complainant are husband and wife. There was a misunderstanding between them, and therefore, on the date of the alleged occurrence, there was a verbal quarrel, but he was falsely implicated in this case. Hence, he prays to quash the proceedings against him.

4. The learned counsel for the respondents submitted that on 21.04.2022, the petitioner entered into the apartment where he is residing and attempted to use obscene words against his son, assaulted him, and took away the amount kept in the house along with one Padmanaban, though she is a teacher in the Government School. Based on the complaint lodged by



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the de facto complainant, an FIR has been registered in Crime No.82 of 2022, and the case has been taken in C.C. No.51 of 2022 on the file of the District Munsif-cum-Judicial Magistrate Court, Uthukuli, Tiruppur District.

5. According to the petitioner, she went to the de facto complainant's house to get the household articles belonging to her, as she was forcibly sent out of the matrimonial house. At that time, her husband threatened her and attacked her, causing her to sustain injuries.

6. Considering the facts and circumstances and perusing the records, it is revealed that after their wedding, they had one male child, who is now about 25 years old. Admittedly, her husband, who is 62 years old, has retired from his service. The petitioner, aged about 44 years, is employed as a PG Assistant in a Government School. Due to misunderstandings, they separated, with her living in one apartment and the son and the de facto complainant living in another apartment. On that day, there was a verbal quarrel, during which they attacked each other. The petitioner also lodged a counter case against the de facto complainant in Crime No.83 of 2022 for the alleged occurrence. There is no basic ingredient to attract Section



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294(b), that she abused R2 in public vicinity. Furthermore, both parties are husband and wife, and due to a family dispute, a verbal quarrel arose between them. There is no basic ingredient to attract other IPCs. Therefore, this Court is inclined to quash the proceedings in C.C. No.51 of 2022 on the file of the District Munsif-cum-Judicial Magistrate Court, Uthukuli, Tiruppur District.

7. Accordingly, this Criminal Original Petition is allowed and Consequently, the connected miscellaneous petition is closed.

18.03.2024
(1/2)

Speaking Order/ Non Speaking Order

Index: Yes/ No

Neutral Citation: Yes/No

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T.V.THAMILSELVI, J.

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To,

1. The Inspector of Police
Kunnathur Police Station
Tiruppur District
Crime No.82 of 2022

2. The District Munsif cum Judicial Magistrate Court, Uthukuli, Tiruppur
District.

3. The Public Prosecutor,
High Court of Madras.

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and
Crl.M.P.No.14998 of 2022

18.03.2024
(½)